

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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|--------------------------------|---|-------------------------------|
| IN RE: PHARMACEUTICAL INDUSTRY |) | |
| AVERAGE WHOLESALE PRICE |) | MDL NO. 1456 |
| LITIGATION |) | |
| |) | CIVIL ACTION: 01-CV-12257-PBS |
| THIS DOCUMENT RELATES TO: |) | |
| ALL CLASS ACTIONS |) | Judge Patti B. Saris |
| |) | |

AFFIDAVIT OF JOHN A. MACORETTA

I, John Macoretta, depose and say as follows:

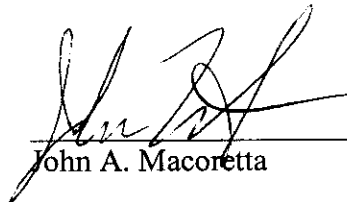
1. I am a member of the Bar of the Supreme Court of the Commonwealth of Pennsylvania and am admitted to this Court *Pro Hac Vice* in this litigation. I am an associate with the law firm of Spector roseman & Kodroff. My firm is co-lead counsel for the plaintiffs in this litigation. I submit this Affidavit in connection with the Plaintiffs' Motion to Compel Production of Documents from Defendant TAP Pharmaceutical Products.

2. Attached hereto as Exhibits A through H are true copies of the following documents as referenced in Plaintiffs' Motion to Compel:

| <u>EXHIBIT</u> | <u>DOCUMENTS</u> |
|-----------------------|---|
| A | Plaintiffs' Document Requests to All Defendants; |
| B | Defendant TAP's Response to Plaintiffs' First Requests for Production of Documents; |
| C | Letter from John Macoretta to Tina Tabacchi dated August 5, 2003 |
| D | Letter from Kelly Glauber to John Macoretta dated December 17, 2003 |
| E | Corporate Integrity Agreement |

- F Letter from Donald Haviland dated April 10, 2003
- G Excerpts from the transcript of the deposition of Donald Patton
- H Letter from Michael Locks to Daniel Reidy dated February 7, 2001

3. The foregoing representation is made under the pains and penalties of perjury on this 3rd day of February, 2004.



John A. Macoretta